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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EUGENE ROBERT CATE,

12 Petitioner,

2:99-cv-1466-GEB-JFM-HC

13 vs.

14 ROBERT L. AYERS, et al.,

15 Respondents.

ORDER

16 _____/
17 Petitioner, a state prisoner proceeding through counsel, has filed this application
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United
19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On September 26, 2008, the magistrate judge filed findings and recommendations
21 herein which were served on all parties and which contained notice to all parties that any
22 objections to the findings and recommendations were to be filed within ten days. Petitioner has
23 filed objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
25 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

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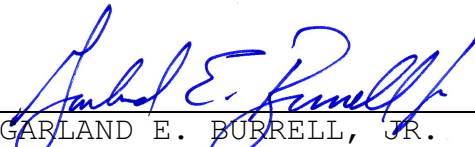
1 entire file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed September 26, 2008, are adopted in
5 full; and

6 2. Petitioner's application for a writ of habeas corpus is denied.

7 Dated: November 17, 2008

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10 GARLAND E. BURRELL, JR.
11 United States District Judge
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